

**MEETING MINUTES**  
**WATER QUALITY ASSURANCE REVOLVING FUND ADVISORY BOARD**  
Arizona Department of Environmental Quality, 1110 West Washington, Phoenix, AZ  
May 20, 2005

**Board Members in attendance:**

Richard Bark	Rick Lavis
Don Richey	Karen Gaylord
Frank Corkhill	Lee Stein
Jim Vieregg	Tamara Huddleston
Karen O'Regan	Karen Masbruch
Will Humble	Dr. Bridget Bero
Manuel Ramirez	

**Board Members Absent:**

Lori Faeth	Kelly Barr
Steve Besich	Glinda Oakes
Nicholas Wallwork	

The meeting was called to order at 9:09 a.m. by Chairman Rick Lavis.

**I. Welcome/Opening Comments/Administrative Issues-**

**A. Meeting schedule**

1. Year End Review – Chairman Lavis stated that the next meeting will be held at the Salt River Project Administration Building, located at 1521 N. Project Drive in Tempe.
2. Balance of Year- Chairman Lavis stated that there will be no meeting in July or August. Meetings will be held in September, October, November, but there will be no meeting in December.

- B. Senate Confirmation of Dr. Bero –** Chairman Lavis congratulated Bridget on her confirmation to continue on the Board. Chairman Lavis also distributed a hand out on all of the Board member's terms.

Mr. Will Humble introduced Hsin-I Lin as the new risk assessor for ADHS under the ATSDR grant, and eventually as the contact under the ISA with WQARF. Mr. Humble also stated that she will likely take his place as the ADHS representative to the Board once the new ADHS Director is approved.

- C. 2006 Appropriations –** Chairman Lavis indicated that WQARF received \$11 million from the Corporate Income Tax, \$1 million more than FY05.

- D. “Star” presentation – Chairman Lavis presented Ronnie Hawks, of Karen Gaylord’s law firm of Salmon Lewis, and Weldon, for his exemplary work on the dry cleaner legislation
- II. **Approval of March 2005 minutes** – Mr. Jim Vieregg made a motion to adopt the draft March 25, 2005 minutes as drafted and Ms. Karen Gaylord seconded the motion. The motion passed unanimously.
- III. **ADWR Report** –Mr. Frank Corkhill presented an overview of the ADWR Report. He informed the Board that 514 applications have been received for wells by or in WQARF sites. Seventy-one of the applications were for new construction. The West Van Buren field work has been completed and South Mesa field work is finishing up.

**ADEQ Superfund: Department Report** - Mr. Don Richey presented an overview of the ADEQ Report and discussed updates from various WQARF sites.

- A. Removal of Vulture Mill Site from WQARF Registry – Chairman Lavis asked when it would be appropriate to discuss removing the site from the Registry. Mr. Richey indicated that the irrigation system is currently being installed then grass will be planted. He stated that all of the site activities should be completed by June 30, 2005 and the DEUR should be recorded shortly afterwards. Discussion ensued over criteria needed to delist a site and Mr. Richey stated that he should have some criteria ready for discussion at the June 24, 2005 Board meeting.
- B. Payson Site – Chairman Lavis stated that he added this item to the agenda after receiving a call from Robin Morris, the CAB Co-Chair for this site. Mr. Morris raised the following concerns: 1) MTBE contamination has been found at the site and he believed that he received conflicting information from ADEQ and the Town of Payson; 2) There has not been four CAB meetings as required by the CAB Charter; and 3) The CAB has had difficulty obtaining water quality data and he requested direct access to the lab to get the analytical results, including making a statutory change if necessary.

Mr. Richey indicated that he discussed these issues with Mr. Morris and that most of the problems seemed to stem from the abrupt departure of the previous community involvement coordinator and the associated lack of follow up from the CAB’s requests. The following discussion ensued on the three issues described above:

- 1. **MTBE Contamination** – Mr. Richey stated that Mr. Morris’ concern is the low levels of MTBE that were detected at the site over approximately a one year period in 2003. Mr. Richey stated that Mr. Morris believes he received conflicting information from ADEQ and

the Town of Payson and that the reporting of such information was not available to the public. Mr. Richey explained that this issue was raised to the Board several times and was discussed at the CAB meetings as well. He stated that the CAB was very interested in the issue and wanted ADEQ to find the source. Ms. Huddleston explained to the board the jurisdictional differences and responsibilities of the LUST program and WQARF program in dealing with MTBE. Mr. Richey informed the Board that some of Mr. Morris' concerns apparently were compounded when he asked for data from ADEQ and never received it, and when the minutes from the CAB meeting did not accurately convey what transpired at the meeting. Mr. Richey indicated that these issues were as a result of the abrupt departure of the community involvement coordinator.

Mr. Richey also indicated that Mr. Morris had requested ADEQ to issue a press release concerning historical MTBE traces in the Town of Payson Water, and ADEQ declined to do so. Mr. Morris then asked Mr. Richey to request the Board to issue a press release on the subject. Chairman Lavis stated that the WQARF Board does not have the authority to do so and the CAB should request the Town to do so.

2. CAB Involvement – Mr. Richey stated that four meetings have not been held because the site is in operation and maintenance and the CAB had discussed waiting to have a meeting until the proposed remedial action plan was drafted. Mr. Richey also stated that ADEQ has been short staffed for some time as well. Discussion ensued over the role of the CABs and how members are selected. David Parker, of Pima County, commented on the background of the CAB, the roll of CAB and recommended the WQARF Board relook at CAB's and the support needed and received. Public Comment was received from a South Mesa CAB member on the role of ADEQ and CAB meetings.
3. The Board discussed the legality of obtaining direct access to laboratory results and most Board members agreed that he should make a public records request from the Town to get the results.

Chairman Lavis indicated that a meeting of all the CAB Co-Chairs might be in order. He also requested that ADEQ prepare a report on the issues raised by the Mr. Morris including: 1) General CAB history; 2) Membership; 3) The MTBE issue; and 4) The outlook of the CAB on these issues.

#### **IV. Committee Reports-**

- A. **Budget and Finance Committee** - Mr. Richey indicated that the financial report was not available, but the Committee has been discussing the

Report and Recommendations of the Ad Hoc Subcommittee on PRP Investigations adopted by the Board in 2003. He stated that the Subcommittee will continue its discussion on these recommendations at the next meeting as well as the FY 2006 budget.

**B. Legislative Committee –**

1. 2006 Appropriations – Mr. Richard Bark reported that the WQARF budget was increase to \$11 million
2. Duplicate Reports; Legislation – Mr. Bark reported that SB1419 passed.
3. Sunset Legislation- Mr. Bark reported that SB1455 passed which gave ADEQ a 4 year sunset.
4. Status of Dry Cleaner Legislation – Mr. Bark stated that there is still an interest in the legislation. Chairman Lavis indicated that he will call the group back together and draft a bill to look at.

**C. Funding Priorities Committee –**

Mrs. Gaylord will be scheduling a meeting of the committee within the next three weeks.

**V. Other Business – None**

**VI Public Comment - None**

**VII. Adjournment** – Chairman Lavis commented on the year end reports that will be presented at the next meeting at SRP in Tempe; ADEQ, ADHS, ADWR, and PRP progress reports. He also stated that the Board will make a recommendation on the FY 2006 budget. Ms. Masbruch made a motion to adjourn and Ms. O'Regan seconded the motion. The motion passed unanimously and the meeting was adjourned at 10:35 a.m.